

and taking into consideration a demonstration of the LEC's own future needs.

2. Prices for pole attachments shall be set based upon the prevailing FCC formula, unless either LEC can demonstrate the need to deviate from that formula.
3. Prices for ducts, conduit space, and access to right-of-way shall be set at a level that allows the providing LEC to recover its LRSIC of providing ducts, conduit space, and access to right-of-way and a reasonable contribution to joint and common costs incurred by the providing LEC. The allocation of joint costs shall be according to the allocation method described in Section V.B.3. of these guidelines.

C. Coordination

LECs shall coordinate their right-of-way construction activity with the affected municipalities and landowners. Nothing in this section is intended to abridge the legal rights and obligations of municipalities and landowners.

D. Disputes

1. To the extent applicable, public utilities shall comply with Section 4905.51, Revised Code.
2. Disputes concerning the compensation or conditions of use or joint use of equipment may be brought to the Commission for resolution pursuant to Section 4905.51, Revised Code.

XIII. UNIVERSAL SERVICE

A. Definitions

1. Universal service establishes a minimum level of essential basic telecommunication services to be made available at affordable rates to all who desire such services.

Universal service includes the following services:

- a. Residential single party, voice-grade access line;
- b. Touch-tone dialing;

for the LEC to provide facilities necessary to serve that same end user customer.

5. Unless otherwise requested by the customer, if a LEC makes CPNI available to one carrier, including carriers which are affiliated with the LEC, such information must also be made available to all other carriers on the same terms and conditions.

D. Installation and Maintenance

A LEC must provide the same installation, maintenance, and repair intervals to other LECs that it provides itself for its own service provisioning.

XII. RIGHT-OF-WAY

A. Authorization

1. LECs are subject to all constitutional and statutory rights and responsibilities placed upon public utilities for use of public right-of-way.
2. Private right-of-way for all public utilities, including LECs, is subject to negotiated agreements with the private property owner, exclusive of eminent domain considerations.
3. The Commission finds that there is a rebuttable presumption that any arrangements whereby telecommunications carriers are provided exclusive use of private building riser space, conduit, and/or closet space is anti-competitive and unlawful. This being the case, the Commission reserves the right, should it be brought to our attention, to require any or all such future arrangements between public utilities and private landowners to be submitted to us for our review and approval, under Section 4905.31, Revised Code, prior to taking effect.

B. Terms and Conditions

1. Rates, terms, and conditions for nondiscriminatory access to poles, ducts, conduits, and right-of-way shall be established through interconnection arrangements or tariffs pursuant to Section III of these guidelines. Access to poles, ducts, conduits, and right-of-way shall be on a first-come, first-serve basis subject to space limitation

XI. NONDISCRIMINATION BETWEEN COMPETITORS

A. Service Requests

LECs which have achieved interconnection shall report in writing to the Chiefs of the Commission's Consumer Services Department Compliance Division, and the Utilities Department Telecommunications Division, within five business days, any denial of subsequent bona fide carrier service request by the interconnecting LEC (e.g., expansion of facilities or maintenance. Denied requests, and requests for service not fulfilled within 30 days, must be documented and justified (in its report to the Commission) by the carrier from whom such services are requested. Such denials will be reviewed pursuant to a complaint process or other Commission-ordered dispute resolution process.

Interconnecting LECs shall report to the Chiefs of the Commission's Consumer Services Department Compliance Division, and the Utilities Department Telecommunications Division, any subsequent request for service (e.g., expansion of facilities or maintenance) that remains unfulfilled, or partially unfulfilled, in excess of 30 days.

B. Telecommunications Performance Measurement Database (TPM)

All LECs shall be required to file, with the Commission, annual TPM data submissions.

C. Access to Customer Proprietary Network Information (CPNI)

1. A telecommunications carrier that receives or obtains CPNI from another carrier for purposes of providing any telecommunications service shall use such information only for such purpose and shall not use such information for its own marketing efforts.
2. No LEC shall access or use the CPNI of an interconnecting LEC for the purpose of marketing its services to the interconnecting LEC's customers.
3. No LEC shall access the CPNI of a carrier reselling its services, without the permission of the reseller, for the purposes of marketing services to the reseller's customers.
4. No LEC shall solicit a competitive carrier's end user customer where the competitive interconnecting carrier is in the process of waiting

customer notice was initially sent. A LEC service order charge of \$5.00 for the first line, and \$1.50 for each additional line, shall be applied to any subsequent request to change intraLATA interexchange service providers.

2. New subscribers

New subscribers will be asked to select an interLATA and intraLATA toll carrier at the time they place an order with the LEC. The LEC will process the customer's order for both intra and interLATA service. The selected carriers will confirm their respective customers' verbal selections by third-party verification or return written confirmation notices. All new subscribers' initial requests for either intra or interLATA interexchange service shall be provided free of charge

3. Subscribers who do not choose a carrier

If a subscriber is unable to make a selection at the time he/she places an order establishing local exchange service, the LEC will read a random listing of all available intraLATA carriers to aid in the selection. If a selection is still not possible, the LEC will inform the subscriber that he/she will be given 90 days in which to inform the LEC of an intraLATA toll carrier selection. During the 90-day period and until the subscriber informs his/her LEC of a choice for intraLATA toll carrier, the LEC shall provide the intraLATA toll service. In the event that the LEC is a NEC which does not offer its own intraLATA toll service, the default provider for the 90-day period shall be the ILEC. Subscribers who inform their LEC of their intraLATA toll carrier selection within the 90-day period will not be assessed a service order charge for their initial request. A LEC service order charge of \$5.00 for the first line, and \$1.50 for each additional line, shall apply to all subsequent requests to change intraLATA interexchange service providers.

F. Recovery of Costs of Implementation of IntraLATA Dialing Parity

The incremental costs directly associated with the introduction of 1+ intraLATA dialing parity shall be borne by all telecommunications carriers. Costs shall be recovered through a Commission-approved switched access per minute of use charge applied to all originating intraLATA switched access minutes generated on lines that are presubscribed for intraLATA toll service.

b. Full 2-PIC

Subscribers would select an IXC for interLATA calls and have the ability to select either their interLATA carrier, LEC, or an alternative intraLATA toll provider to carry their intraLATA toll traffic.

c. Modified 2-PIC

Subscribers would select an IXC for interLATA calls and select either the same IXC or their existing LEC to carry their intraLATA toll traffic.

d. Smart or Multi-PIC

Subscribers would be able to select multiple carriers for various subdivisions of their interLATA and intraLATA toll calls.

2. Implementation

In the absence of readily available and economically feasible Smart or Multi-PIC technology, 1+ dialing parity on an intraLATA basis shall be implemented on a Full 2-PIC methodology.

D. Balloting

Balloting shall not be used. LECs shall inform their current customers of the options to select presubscribed intraLATA toll carriers within 60 days of implementation of intraLATA toll presubscription.

Such notices must be submitted by the LEC to the Commission's Consumer Services Department for approval at least 30 days prior to sending them to its customers. Toll carriers may provide such information to customers regarding the availability of 1+ dialing parity as they deem appropriate, except that nothing herein shall authorize any otherwise unauthorized or unlawful use of the LEC's name, marks, logo, trademarks, or tradenames by the toll carriers.

E. Presubscription Procedures

1. Current subscribers

Initial requests of current subscribers for an intraLATA carrier change will be provided free of charge for the first 90 days after

C. Restrictions on Resale

Each LEC shall make its services available for resale, but may, subject to Commission approval, place reasonable restrictions on the resale of residential services to business customers.

X. DIALING PARITY/1+ INTRALATA PRESUBSCRIPTION

A. Principle

PEC ILECs and NECs shall be required to provide dialing parity, on both an intra and interLATA basis, to all interconnecting toll carriers subject to the conditions set forth below. NECs are required to provide exchange access and dialing parity to all toll providers, but they are not required to provide toll services themselves. NECs shall not become secondary carriers under ORP/SCO.

B. Time Frame

1. PEC ILECs that are not legally constrained from offering interLATA services shall have implemented 1+ dialing parity on an intraLATA basis for all their subscribers within 12 months of the Commission's issuance of these guidelines.
2. Ameritech Ohio shall have implemented 1+ dialing parity on an intraLATA basis for all its subscribers at such time that it either seeks approval of the federal competitive checklist for Bell Operating Companies pursuant to Part III, Section 271(c)(2)(B) of the 1996 Act, or by February 9, 1999 whichever occurs sooner.
3. NECs shall implement 1+ dialing parity on an intraLATA basis upon their initial offering of certified local exchange service.

C. Presubscribed Interexchange Carrier (PIC) Methodology

1. Definitions

a. 1-PIC

Subscribers would select either their LEC or their interLATA carrier to carry all intraLATA and interLATA toll traffic.

3. All services that are tariffed in a NEC's carrier-to-carrier tariff for the purpose of resale shall be made available for purchase by any LEC and shall not contain unreasonable, discriminatory, or anti-competitive conditions or limitations.
4. NEC services offered at a discount or in a promotion shall be made available for resale at rates approved by the Commission pursuant to the standards set forth in Section IX.B.3. of these guidelines.
5. ILEC services offered at a discount or in a promotion shall be made available for resale at a wholesale rate approved by the Commission pursuant to the pricing standards set forth in Section V E. of these guidelines.
6. Each LEC which maintains a carrier-to-carrier tariff shall be required to provide nondiscriminatory, automated operational support systems which would enable other LECs reselling its retail telecommunications services to order service, installation, repair, and number assignment; monitor network status; and bill for local service. Such support systems shall include, but not be limited to:
 - a. Pre-service ordering functionalities for processing customer service orders;
 - b. Provisioning requirements to ensure electronic transmission of data to the LEC providing telecommunications services for resale, as well as order and service completion confirmation;
 - c. Repair and maintenance requirements; and
 - d. Customer Account Record Entry (CARE) requirements.
7. To assure proper and high quality provisioning of local service resale, each LEC which maintains a carrier-to-carrier tariff shall provide administrative functional requirements that include, but are not limited to:
 - a. Provisioning reports comparing that LEC's service to LECs purchasing telecommunications services for resale with the service it provides to itself in its own operation; and
 - b. Branding of services by the LEC purchasing such services for resale.

terms, and conditions. (See Section III, Interconnection, for filing requirements associated with bona fide requests.)

3. Once an unbundled network element has been made available to an interconnecting carrier on a contractual basis, the providing carrier shall make that unbundled network element available for all similar requests for purchase pursuant to Section III of these guidelines.
4. The offering of unbundled network elements cannot replace the offering of currently bundled package offerings.

E. Rate Requirements

For purchase by certified facilities-based LECs, unbundled network elements shall be priced at cost-based rates pursuant to the pricing standards in Section V.B. of these guidelines.

IX. RESALE

A. Principle

1. Each LEC shall maintain an end user tariff and make all of its tariffed services available for resale.
2. Each LEC which provides local service through its own facilities or in combination with its own facilities, shall maintain a carrier-to-carrier tariff including its resale service offerings and, with the exception of services not available for resale pursuant to Section IX.C. of these guidelines, shall make such service offerings available for resale to any other LEC.

B. Conditions for Local Service Resale

1. All services that are tariffed in LEC end user tariffs shall be made available for purchase by any entity at a retail rate approved by the Commission.
2. All services that are tariffed in an ILEC's carrier-to-carrier tariff for the purpose of resale shall be made available for purchase by any LEC at a wholesale rate approved by the Commission pursuant to the pricing standards set forth in Section V.E. of these guidelines.

definite period of time, such time frame shall be determined on a case-by-base basis and shall be set forth in the entry suspending the application. If the suspension is for an indefinite period of time, the Legal Director, Deputy Legal Director, or Attorney Examiner may remove the suspension imposed upon the application and reinstate a new automatic time frame for approval of the application. The appropriate new automatic time frame shall be determined on a case-by-case basis.

VIII. UNBUNDLING

A. Principle

Each ILEC and interconnecting facilities-based NEC shall unbundle its respective local network elements into any technically feasible points, upon bona fide request of a certified LEC.

B. Related Functionalities

Unbundling of networks shall include access to necessary customer databases, such as LEC-owned or controlled 9-1-1 databases, LERG, Billing Name and Address, Directory Assistance, Line Information Database, and 800 databases. It should also include operator services, directory assistance services, and SS7 functionalities.

C. Reciprocal Unbundling

The requirement to fulfill all bona fide requests for the purchase of unbundled network elements by other LECs applies equally to both ILECs and NECs.

D. General Unbundling Requirements

1. Unbundled network elements rates, terms, and conditions shall be established through negotiation between LECs upon receipt of a bona fide request for interconnection or through arbitration, pursuant to Section III.C. of these guidelines.
2. Unbundled network element rates, terms, and conditions may be established through arrangements or tariffs approved by the Commission. The Commission, at its discretion, may order the filing of tariffs establishing unbundled network elements rates,

filings, an automatic time frame will begin on the day after a filing is made with the Commission's Docketing Division. Furthermore, under an automatic process, if the Commission does not take action before the expiration of the filing's applicable time frame, the filing shall become effective as early as the following day.

2. The time frames in these guidelines requires same day delivery or facsimile of all pleadings and papers upon all parties. Rule 4901-1-07, Ohio Administrative Code, does not apply to the service of pleadings and papers pursuant to these guidelines.

E. Suspensions

1. Nothing contained within these guidelines shall in any way preclude the Commission, Legal Director, Deputy Legal Director, or Attorney Examiner from imposing a suspension of any process herein.
2. A full suspension occurs when the Commission, Legal Director, Deputy Legal Director, or Attorney Examiner, upon its own motion, suspends the automatic timeclock and precludes an application from taking effect. A full suspension may also be imposed after the automatic time frame has run, if an ex post facto determination is made that a service previously automatically authorized may not be in the public interest. If the suspension involves a service previously automatically authorized, the LEC may be required to discontinue providing the service subsequent to the suspension.
3. Under partial suspension, which can be invoked by the Commission, Legal Director, Deputy Legal Director, or Attorney Examiner, the service in question is permitted to take effect under the proposed terms and conditions subject to continued review. The LEC is put on notice that such terms and conditions may be modified subsequent to its further review. A partial suspension may also be imposed after the automatic time frame has run if an ex post facto determination is made that a service previously automatically authorized may not be in the public interest. If the suspension involves a service previously automatically authorized, the partial suspension may require the LEC to refrain from obtaining new customers subsequent to the suspension.
4. The Commission, Legal Director, Deputy Legal Director, or Attorney Examiner may fully or partially suspend an application for either a definite or indefinite period of time. If the suspension is for a

thereof. The LEC's TRF case number is not to appear on final tariff sheets.

2. A LEC will no longer be required to include in its tariff on file at the Commission specific language either previously or prospectively deemed mandatory by the Commission. Under these guidelines, such service requirement language shall be contained in the Service Requirements Form which will be available from the staff and is shown in its initial form as Attachment C to these guidelines. The Service Requirements Form must be attached to the Registration Form. Accordingly, any provider seeking to offer local service in Ohio will be required to commit to the applicable service requirements contained in the Service Requirements Form. (NOTE: The Service Requirements Form, as set forth in Attachment C to these guidelines, may change from time to time pursuant to Commission directive. Staff will maintain a current, updated copy to provide to applicants, and will file a copy of any updated revisions to the Service Requirements Form within this docket.)

C. TRF Docket

1. TRF dockets are designated for the filing of final tariffs and are maintained by the Commission for each utility company, including those filed by LECs.
2. A TRF docket number will be assigned by the Docketing Division when a NEC seeks to obtain initial certification.
3. For applications in which new tariff pages are involved, such tariff page(s) must be filed in final form in the appropriate application purpose code, as well as in the TRF docket for that LEC. For applications subject to 0-day approval, such final tariff pages must be filed at the same time as the application. For nonautomatic applications and those applications subject to an automatic approval process (other than the 0-day automatic approval process), final tariff pages must be filed within 10 days after the approval date. The effective date on the tariffs shall be a date no sooner than the date the final tariffs are filed with the Commission.

D. Time Frames

1. Certain filings pursuant to these guidelines will be handled through an automatic process. For those filings specified in the guidelines as subject to an automatic time frame and with the exception of 0-day

be regulated as such with its competitive services regulated under 944 and 1144. However, an ILEC must use this form for any application filed after the effective date of these guidelines, if it has been granted tariff filing parity pursuant to Section VI.L. of these guidelines, or if the ILEC is filing an ARB or NAG case pursuant to the guidelines established in Case No. 96-463-TP-UNC.

4. For any application which is filed pursuant to an automatic time frame established in these guidelines, the automatic time frame will not begin to run until the appropriate completed Registration Form is filed.

B. Tariffs

1. LECs shall keep tariffs on file with the Commission. A tariff shall be filed with the Commission on white paper which is 8.5" x 11" paper printed on one side only. The only exception is price lists, which, at the LEC's option, may be printed on colored paper. Handwritten copies are not acceptable except for denoting the appropriate case number. All tariffs must include both the appropriate issued (the date the tariff was filed with the Commission) and effective (the date the service(s) will be offered) dates. These tariffs shall include, at a minimum, the following elements:
 - a. A title page;
 - b. A description of all services offered, including all terms and conditions associated with the provision of each service;
 - c. A description of the actual serving and local calling areas (any change to a LEC's serving area and local calling area shall be processed in accordance with Sections II.C.3. and II.D.2. of these guidelines, respectively);
 - d. A complete price list, including every rate and charge relative to the provision of each service, as well as discounted rates for the benefit of persons with communication disabilities; and
 - e. Each final tariff sheet must exhibit the Commission authority by designating the case number in which the tariff was approved, the automatic date of effectiveness or Commission order date, the effective date of the tariff sheet, the name of the LEC, and the name of an officer of the LEC. This information should be included in a header, a footer, or a combination

the geographic scope or degree of competition in the ILEC's serving area.

- b. Upon Commission approval of such application, the ILEC will file all future applications described in Section VI.L.1. above pursuant to the procedures set forth in Sections VI.B.1., C.4., D.1., E.1., F.1., and H.2. of these guidelines.

VII. FILING PROCEDURES AND REGISTRATION FORM

A. Registration Form (Attachment B)

1. A Registration Form provided by the Commission staff (initial form shown in Attachment B to these guidelines) must be utilized in all applications filed pursuant to these guidelines with the Commission. (NOTE: This form may change from time to time without further Commission entry. Staff will maintain a current, updated copy to provide to applicants, and will file a copy of any updated form within this docket.) The Registration Form is to be utilized by an applicant for purposes including, but not limited to:
 - a. Receiving initial certification to provide local exchange service in Ohio;
 - b. Changing any element of a NEC's;
 - c. Changing any element within a NEC's tariff, including textual revisions and price adjustments; and
 - d. Filing interconnection arrangements arrived at through either negotiation or arbitration for Commission approval.
2. The Registration Form must accompany all applications filed by NECs on or after the effective date of these guidelines.
3. ILECs may not utilize this form when filing applications. Rather, ILECs should utilize the appropriate form based on each ILEC's currently applicable regulatory framework, i.e., ILECs who seek approval and who are granted approval by the Commission for an alternative regulation plan and ILECs who currently have alternative regulation plans will be regulated under their Commission approved plans, small ILECs will continue to be regulated under 564, and an ILEC under traditional regulation will

K. Proprietary Information

All contracts and applications are to be filed on the public record. If a LEC finds it necessary to request protective treatment for any portion of a contract or application, it must request such protection in accordance with Chapter 4901-1, Ohio Administrative Code.

L. Tariff Filing Parity

1. As stated above, all ILEC new service, price list, promotion, change in terms and conditions, withdrawal of service, and contract applications will be processed according to the time frames set forth in the ILECs' currently applicable regulations i.e., ILECs who seek approval and who are granted approval by the Commission for an alternative regulation plan and ILECs who currently have alternative regulation plans will be regulated under their Commission approved plans, small ILECs will continue to be regulated under 564, and an ILEC under traditional regulation will be regulated as such with its competitive services regulated under 944 and 1144. However, once a NEC is operational in an ILEC's serving area the ILEC may file an application to receive flexibility territory-wide for tariff filing flexibility as set forth above in Sections VI.B.1., C.4., D.1., E.1., F.1., and H.2.
 - a. In order to receive such flexible treatment, the ILEC must docket a UNC case with the Commission. Such filing must include, at a minimum;
 - i. A revised cover page for the ILEC's existing tariff which indicates that the ILEC will be granted filing flexibility pursuant to the approval of the UNC case; and
 - ii. An exhibit requesting flexible treatment pursuant to these guidelines, with a detailed explanation of how the ILEC meets the criteria in Section VI.L.1., above, for flexible tariff filing procedures.
 - iii. Copies of the application should be served on all certified NECs and in the ILEC's serving area. The Commission will set a period of time for the filing of written comments concerning the application and reserves the right to schedule a hearing if necessary. The proceeding on the request will be expedited. The Commission may modify or reject the request based on

shall be subject to a 30-day automatic approval procedure and shall become effective 31 days after filing, unless suspended. Such filing does not preclude the ability of the Commission to impose a full or partial suspension.

I. Fresh Look Provision

1. ILEC customers with long-term arrangements shall be given an opportunity to take a "fresh look" to determine if they wish to avail themselves of a competitive alternative. This opportunity will be limited to customers with ILEC arrangements for remaining terms in excess of one year from the date the Commission verifies as the date on which the first interconnection arrangement is operational in the ILEC's service territory. Upon inquiry by such customer, the ILEC must inform the customer of his/her opportunities pursuant to this section.
2. The opportunity to end a long-term arrangement will exist for a period of 90 days from the date the first interconnection arrangement is operational in that ILEC's service territory. The Commission shall verify the date which the 90-day period begins for purposes of this section and shall establish an appropriate procedure for customer notification prior to such date. The Commission shall resolve any disputes regarding opportunities to end long-term arrangements pursuant to this section.
3. If a party chooses to terminate a long-term arrangement within this period, the termination charge will be limited. Notwithstanding any termination charges provided in the applicable ILEC tariffs, the ILEC may not charge more than the difference between: (a) the amount the customer has already paid; and (b) any additional charges that the customer would have paid for service if the customer had taken a shorter term offering that would have been available for the term actually used. This termination procedure will allow customers with long-term arrangements to select among competitive providers while ensuring that the ILEC obtains the compensation appropriate for the term actually taken by the customer.

J. Termination Liability

Except as detailed in these guidelines, the Commission approval of contracts pursuant to these procedures does not constitute a determination of the reasonableness of termination liability provisions.

forth in Attachment B to these guidelines. The application will be subject to a 30-day automatic approval procedure and, absent full or partial suspension of the filing, it shall become effective 31 days after filing, unless suspended. Such filing does not preclude the ability of the Commission to impose a full or partial suspension

- c. ILECs' end user contract application filings shall be processed based on each ILEC's currently applicable regulatory framework, i.e., ILECs who seek approval and who are granted approval by the Commission for an alternative regulation plan and ILECs who currently have alternative regulation plans will be regulated under their Commission approved plans, small ILECs will continue to be regulated under 564, and an ILEC under traditional regulation will be regulated as such with its competitive services regulated under 944 and 1144. However, an ILEC may apply for tariff filing parity as set forth in Section VI.L.1. of these guidelines.
- d. If a LEC requests proprietary treatment of information pertinent to its contract application, the application shall not be subject to an automatic approval procedure.

3. Process for Approval of Carrier-to-Carrier Initial Contracts and Amendments

- a. LEC initial carrier-to-carrier contract filings will be processed according to the procedures set forth in Section III.D of these guidelines, and in Case No. 96-463-TP-UNC.
- b. For those LECs which have approved contracts for carrier-to-carrier services and such contracts contain provisions which allow them to amend such contracts during their duration, the LECs may utilize the following procedures to amend their existing contracts:
 - 1 The LECs' amended contracts will be effective upon day of signing.
 - 2. The LECs' must docket amendments to the initial negotiated agreements with the Commission within 10 days of signing. Such applications shall be filed in an AEC case, along with a completed Registration Form, as set forth in Attachment B to these guidelines. The application

G. Deaveraging

Requests for geographical market-based deaveraging by customer type or class for both NECs and ILECs will be considered by the Commission only where the carrier can demonstrate that the request is consistent with the public interest, is a necessary and appropriate response to differences in prevailing market prices, and will not serve to discourage entry or lessen competitive forces. In establishing the procedures for its consideration of such request, the Commission shall act pursuant to the appropriate statutory provisions.

H. Contractual Arrangements

1. End User Contracts

LECs may enter into contractual arrangements with end users for services, but rates for such services and products must also be included in the carriers' end user tariffs. The contractual arrangements may include additional terms and conditions so long as the terms and conditions are not inconsistent with the tariffed provisions. ILECs will submit cost studies for all contracts in accordance with their currently applicable regulations. i.e., ILECs who seek approval and who are granted approval by the Commission for an alternative regulation plan and ILECs who currently have alternative regulation plans will be regulated under their Commission approved plans, small ILECs will continue to be regulated under 564, and an ILEC under traditional regulation will be regulated as such with its competitive services regulated under 944 and 1144. The Commission may grant an exception to the tariffing of all products or services in the case of unique arrangements or special assemblages. All contractual arrangements pertaining to end user products and/or services must be filed and approved by the Commission and the terms shall be made available to all similarly situated customers on a nondiscriminatory basis.

2. Process for Approval of End User Contracts

- a. NEC end user contracts will be effective upon the day of signing.
- b. NECs must docket their end user contract applications with the Commission within 10 days of signing. Such applications shall be filed in an application to establish, revise, or cancel a contract case (AEC), along with a completed Registration Form, as set

dialtone/local access MTS, directory assistance, and operator services, a notice, i.e., bill insert, bill message, direct mail, or one-time publication in the non-legal section of the newspaper published in and of general circulation in each county affected by the price increase, will be provided to the Commission's Consumer Services Department and such customers prior to the effective date of such increase.

3. If a NEC increases a rate outside of an approved range, a filing must be made pursuant to the Ohio Revised Code.
4. ILECs' price list filings shall be processed based on each ILEC's currently applicable regulatory framework, i.e., ILECs who seek approval and who are granted approval by the Commission for an alternative regulation plan and ILECs who currently have alternative regulation plans will be regulated under their Commission approved plans, small ILECs will continue to be regulated under 564, and an ILEC under traditional regulation will be regulated as such with its competitive services regulated under 944 and 1144. However, an ILEC may apply for tariff filing parity as set forth in Section VI.L. of these guidelines.

F. Promotions - End User and Carrier Resale Tariffs

1. Terms and conditions of all promotions must be identified in price lists and filed in the NEC's TRF docket. Promotional offerings shall be effective on the day of filing. The only limitation upon NEC promotions shall be that the waiver of any charges other than a non-recurring charge shall be limited to 90 days on a per customer basis.
2. ILECs' promotional offerings shall be processed based on each ILEC's currently applicable regulatory framework, i.e., ILECs who seek approval and who are granted approval by the Commission for an alternative regulation plan and ILECs who currently have alternative regulation plans will be regulated under their Commission approved plans, small ILECs will continue to be regulated under 564, and an ILEC under traditional regulation will be regulated as such with its competitive services regulated under 944 and 1144. However, an ILEC may apply for tariff filing parity as set forth in Section VI.L. of these guidelines

withdraw an existing service, the application will be subject to a 30-day automatic approval procedure and shall become effective 31 days after filing, unless suspended. Such filing does not preclude the ability of the Commission to impose a full or partial suspension.

3. In applications for withdrawal of a service, change in carrier's name, and change in terms and conditions of an existing service, the NEC must provide documentation that prior customer notice was given to the affected customers via bill insert, bill message, direct mail, or one-time publication in the non-legal section of the newspaper published in and of general circulation in the counties in which affected customers are located.
4. In applications for withdrawal of service, a NEC must indicate one of the following:
 - a. The NEC currently has no customers for the service proposed to be withdrawn; or
 - b. If the NEC has existing customers of the service proposed to be withdrawn and has not grandfathered the provisioning of the service to current customers, the NEC must demonstrate good cause for withdrawal of the service from these customers.
5. Applications by ILECs to change terms and conditions, change in carrier's name, or withdraw a service shall be processed based on each ILEC's currently applicable regulatory framework, i.e., ILECs who seek approval and who are granted approval by the Commission for an alternative regulation plan and ILECs who currently have alternative regulation plans will be regulated under their Commission approved plans, small ILECs will continue to be regulated under 564, and an ILEC under traditional regulation will be regulated as such with its competitive services regulated under 944 and 1144. However, an ILEC may apply for tariff filing parity as set forth in Section VI.L. of these guidelines.

E. Price List Changes for End User and Carrier Resale Tariffs

1. NECs' price list changes within an approved range of rates will be filed in the NECs' TRF dockets and shall be effective on the day of filing.
2. Where end user customers and/or resellers are affected by any price list increase by a NEC within an approved range of rates for

preclude the ability of the Commission to impose a full or partial suspension.

- c. However, should the staff notify the NEC prior to the expiration of the 30-day prefiling time frame that the application requires further investigation, the applicant may file the application in an ATA which will be subject to a 30-day automatic approval time frame, and shall become effective 31 days after filing, unless suspended.
- d. ILECs' carrier-to-carrier tariff filings after the initial tariff filing, shall be processed based on each ILEC's currently applicable framework, i.e., ILECs who seek approval and who are granted approval by the Commission for an alternative regulation plan and ILECs who currently have alternative regulation plans will be regulated under their Commission approved plans, small ILECs will continue to be regulated under 564, and an ILEC under traditional regulation will be regulated as such with its competitive services regulated under 944 and 1144. However, an ILEC may apply for tariff filing parity as set forth in Section VI.L. of these guidelines.

D. Change in Terms and Conditions, Change in Carrier's Name, and Withdrawal of Service for End User and Carrier-to-Carrier Tariffs (for Abandonment of Service, See Section II.F. of these guidelines)

- 1. In order to change the terms and conditions of an existing service, change in carrier's name, or to withdraw an existing service, the NEC must docket an ATA with the Commission along with a completed Registration Form, as set forth in Attachment B to these guidelines. Such filing must include:
 - a. A copy of the superseded tariff sheet(s) and price list(s), marked as Exhibit A.
 - b. A copy of the revised tariff sheet(s) and price list(s), marked as Exhibit B.
 - c. A description and rationale of the proposed tariff changes, including a complete description of the services proposed or affected, marked as Exhibit C.
- 2. Upon the filing by the NEC of an application to change the terms and conditions of an existing service, change in carrier's name, or to

3. Initial Carrier-to-Carrier Services Tariffs for NECs

- a. A facilities-based NEC shall file a tariff for resale services with the Commission that does not contain unreasonable, discriminatory, or anti-competitive conditions or limitations on the resale of its telecommunications services. The initial facilities-based NEC carrier-to-carrier resale tariff filed with a certification application is subject to a 60-day automatic approval process pursuant to Section II of these guidelines. Such filing does not preclude the ability of the Commission to impose a full or partial suspension.
- b. Initial carrier services tariffs other than resale filed by NEC with a certification application will be subject to a 60-day automatic approval process pursuant to Section II of these guidelines. Such filing does not preclude the ability of the Commission to impose a full or partial suspension.

4. New Services for Carrier-to-Carrier Tariffs after the Initial Tariff Filing

- a. Each NEC shall provide the application for a new service offering in its carrier-to-carrier tariff, along with a cover letter which states that this is a 30-day prefiling pursuant to these guidelines, to the Commission's Telecommunications Division 30 days prior to filing the application with the Commission. Such prefiled application must include the following:
 1. A copy of the superseded tariff sheet(s), if applicable, and price list(s), marked as Exhibit A.
 2. A copy of the revised tariff sheet(s) and price list(s), marked as Exhibit B.
 3. A description and rationale of the proposed tariff changes, including a complete description of the services proposed or affected, marked as Exhibit C.
- b. Subsequent to the 30-day prefiling time frames, the NEC may file with the Commission an application to provide the new service offering in its carrier-to-carrier tariff via an ATA, along with a completed Registration Form, as set forth in Attachment B to these guidelines. The application shall become effective on the day of filing, unless suspended. Such filing does not

surcharges and MTS rates offered in conjunction with AOS shall be applied to NECs offering such services.

- c. ILECs' pricing flexibility is subject to each ILEC's currently applicable regulatory framework, i.e., ILECs who seek approval and who are granted approval by the Commission for an alternative regulation plan and ILECs who currently have alternative regulation plans will be regulated under their Commission approved plans, small ILECs will continue to be regulated under 564, and an ILEC under traditional regulation will be regulated as such with its competitive services regulated under 944 and 1144.

C Carrier-to-Carrier Tariffing Guidelines

1. Availability of Carrier Services

A carrier must be certified to buy out of the carrier-to-carrier tariff of a LEC.

2. Initial Carrier-to-Carrier Services Tariffs for ILECs

- a. An ILEC shall file a tariff for resale services with the Commission that consists of retail services priced at wholesale rates available for purchase by other certified carriers. (See Sections V and IX of these guidelines). Such initial applications will not be subject to an automatic approval process.
- b. A LEC may prepare and file with the Commission a tariff, for carrier services other than resale, containing the terms and conditions for carrier-to-carrier services, features, and functionalities that such company generally offers in the state. In addition to the tariff, any negotiated terms and conditions between carriers, approved by the Commission, must be available on a nondiscriminatory basis to any certified carrier. (See Sections III and IV of these guidelines). Initial carrier services tariffs, other than resale, filed by ILECs will not be subject to an automatic approval process.

approval and who are granted approval by the Commission for an alternative regulation plan and ILECs who currently have alternative regulation plans will be regulated under their Commission approved plans, small ILECs will continue to be regulated under 564, and an ILEC under traditional regulation will be regulated as such with its competitive services regulated under 944 and 1144. However, an ILEC may apply for tariff filing parity as set forth in Section VI.L. of these guidelines.

2. End User Rates

- a. NECs may charge end users rates based upon the marketplace and are not required to document their end user rates by means of developing and submitting LRSIC studies. However, NECs are expected to charge rates which are above their incremental cost of service. The Commission reserves the right to request cost or other information should it wish to audit a NEC's rates. Moreover, Section 4905.33, Revised Code, applies to NEC pricing practices.
- b. ILECs' end user rates will be subject to each ILEC's currently applicable regulatory framework, i.e., ILECs who seek approval and who are granted approval by the Commission for an alternative regulation plan and ILECs who currently have alternative regulation plans will be regulated under their Commission approved plans, small ILECs will continue to be regulated under 564, and an ILEC under traditional regulation will be regulated as such with its competitive services regulated under 944 and 1144.

3. Pricing Flexibility for End User Services

- a. NECs shall establish their minimum and maximum price ranges for services, and there shall be no limits to the number of rate changes permitted within the approved range, during a given period of time. NECs making changes in rates within the minimum and maximum price ranges shall file an amended price list (See Section VI.E., below) and it shall be effective on the day of filing.
- b. The Commission reserves the right to apply specific pricing limitations which may have been or may be imposed on LEC services, to the NECs offerings. For example, the Commission pricing guidelines set forth in 563 which place limits on the

C End User Tariffing Guidelines

1. New Services

- a. The NEC shall provide an application for a new service offering in its end user tariff, along with a cover letter which states that this is a 30-day prefiling pursuant to these guidelines, to the Commission's Telecommunications Division and OCC 30 days prior to filing the application with the Commission. Such prefiled application must include the following:
 1. A copy of the superseded tariff sheet(s) and price list(s), if applicable, marked as Exhibit A.
 2. A copy of the revised tariff sheet(s) and price list(s), marked as Exhibit B.
 3. A description and rationale of the proposed tariff changes, including a complete description of the services proposed or affected, marked as Exhibit C.
 4. A copy of the customer education and information material for new residential services must also be provided to the Commission's Consumer Services Department concurrent with the pre-filing.
- b. Subsequent to the 30-day prefiling time frame, the NEC may file an application to provide the new service offering in its end user tariff with the Commission via an application for tariff amendment (ATA), along with a completed Registration Form, as set forth in Attachment B to these guidelines. The application shall become effective on the day of filing, unless suspended. Such filing does not preclude the ability of the Commission to impose a full or partial suspension.
- c. However, should the staff notify the NEC prior to the expiration of the 30-day prefiling time frame that the application requires further investigation, the applicant may file the application in an ATA which will be subject to a 30-day automatic approval time frame, and shall become effective 31 days after filing, unless suspended.
- d. ILECs' tariff filings shall be processed based on each ILEC's currently applicable regulatory framework, i.e., ILECs who seek

3. Imputation Test Required

ILECs shall submit an imputation test, for the Commission staff's review and the Commission's approval, if:

- a. Tariffs are filed by the ILEC to introduce a new service subject to imputation requirements;
- b. Tariffs are filed by the carrier to reduce rates for a service subject to imputation requirements; or
- c. Tariffs are filed by the carrier to increase rates for an essential input which is utilized in providing a competitive service subject to the imputation requirements as described above.

4. Imputation Filing

The ILEC shall file, as an attachment to its tariff filing, information regarding the ILEC's method of complying with the imputation standards, including but not limited to, its definition of "relevant market or geographic area", and the definition of "the essential input or non-competitive service" relevant to the service in its application.

VI. TARIFFING REQUIREMENTS

A. Structure

All LECs shall maintain end user tariffs. In addition, LECs providing service through their own facilities shall maintain a carrier-to-carrier tariff in those service areas. The carrier-to-carrier tariff shall include services, features, and functionalities for purchase by any certified carrier, subject to conditions set forth in Section VI.C.1., below.

B NEC Affiliation with CTS Providers

CTS providers affiliated with NECs can retain 563 regulation of their competitive services provided pursuant to 563, if the NEC and CTS providers are separate affiliates and comply with the affiliate transaction guidelines in 563, Case No. 86-2173-TP-ACE, and Case No. 93-1081-TP-UNC, as subsequently amended or supplemented in orders of the Commission. Otherwise, all NEC services will be regulated according to the procedures set forth in these guidelines.